IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14744 of 2004

Between:

National Co-operative Consumers Federation of India Ltd.

Hyderabad, represented by its General Manaager, Sri M. A.

Thomas.

..... PETITIONER

AND

1. Sri Durga Malleswara Swamy Devasthanam, Vijayawada, represented by its Executive Officer.

2. The Commissioner of Endowments, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing the first respondent to follow the directions of the second respondent contained in proceedings D.Dis.No. A1/32617/2004 dt. 15-7-2004 and purchase Ghee from the petitioner company.

Counsel for the Petitioner: MR.C.RAGHU

Counsel for the Respondent No.: SNT N. INDRANI.

Counsel for the Respondent No.2: GP FOR ENDOWMENTS

The Court made the following :

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ORAL ORDER :

Heard the learned Counsel for the petitioner.

The petitioner seeks a direction to the 1st respondent to implement the proceedings of the Commissioner of Endowments, dated 15-07-2004 whreunder the Executive Officer of Sri Durga Malleswara Swamy Devasthanam, Vijayawada (1st respondent) was permitted to procure ghee from the petitioner Federation observing that the offer of the petitioner Federation is beneficial to the Devasthanam.

However, it is clear from the material papers filed by the petitioner along with this writ petition that the Board of Trustees of the 1st respondent Temple subsequently passed a resolution on 7-8-2004 to procure the ghee from Vijaya Diary instead of the petitioner Federation and detailed reasons have also been assigned in support of their decision. If that be so, it is for the 1st respondent temple to take an appropriate decision and to process the same in accordance with law. By virtue of the proceedings of the 2nd respondent dated 15-07-2004, no legal right is accrued in favour of the petitioner so as to seek enforcement of the same by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India.

The writ petition is misconceived and accordingly dismissed. No costs.

31st August, 2004.

Sj/gbs

To

1. The Executive Officer, Sri Durga Malleswara Swamy Devasthanam, Vijayawada,

   Represented by its Executive Officer.

2. The Commissioner of Endowments, Hyderabad.

3. Two CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabad. (OUT).

4. Two CD copies.

sj